

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

EDGAR OSBALDO MARTINEZ
#26575-078

v.

UNITED STATES OF AMERICA

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Civil Action No. 4:18-CV-523
Criminal Action No. 4:16-CR-82(11)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 19, 2021, the report of the Magistrate Judge (Dkt. #10) was entered containing proposed findings of fact and recommendations that *pro se* Movant Edgar Osbaldo Martinez's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Dkt. #1) be denied, his case be dismissed with prejudice, and a certificate of appealability be denied. Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Movant Edgar Osbaldo Martinez's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Dkt. #1) is **DENIED**. Movant Edgar Osbaldo Martinez's case is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that a certificate of appealability is **DENIED**.

All relief not previously granted is hereby **DENIED**.

IT IS SO ORDERED.

SIGNED this 26th day of March, 2021.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE